THE HON'BLE SRI JUSTICE C.V. RAMULU

Thursday, the 19th day of July,2007

W.P.No.18128 of 1998

Between:-

G.V. Raghava Rao … Petitioner

and

The Additional Registrar of
Cooperative Societies,
Gruhakalpa, Nampally,
Hyderabad, A.P., and others … Respondents

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ORAL ORDER:

This Writ Petition is filed seeking a Certiorari to call for the records relating to Proceedings dated 3-11-1997 of the 1st respondent and the consequential Order dated 29-5-1998 issued by the 3rd respondent in removing the petitioner from service of P.A.C.S., Venigandla, Nidamanur Mandal, Nalgonda District and quash the same as arbitrary and illegal.

It appears, petitioner was appointed as a Paid Clerk in the year 1996 in the Primary Agricultural Cooperative Society, Kamareddigudem, Tripuram Mandal, Nalgonda District and later, he was appointed as Paid Secretary and put on regular time scale with effect from 21-4-1987. While serving at Kamareddigudem, he was sent for Godown Training in the year 1990. Subsequently, he applied for leave from February,1992 for a period of 2½ years. He reported for duty in the month of August,1994. However, posting orders were given on 4-11-1994 to work as Assistant Secretary at Kamareddigudem. However, it appears, thereafter, the General Manager, District Cooperative Central Bank Limited, Nalgonda – 2nd respondent through his letter dated 30-9-1996, advised the 3rd respondent to remove the petitioner from service, since there are some allegations of misappropriation of funds etc., against him. In view of the said advise, the services of the petitioner were terminated with effect from 1-7-1998 by an Order dated 29-5-1998. The Order dated 29-5-1998 does not

indicate as to what are the reasons for dispensing with the services of the petitioner. It seems, petitioner was, in fact, appointed as a Paid Secretary, but when he came back from leave and permitted to join service with effect from 4-11-1994 he was treated as Assistant Secretary, which post never existed nor he was appointed against such post.

Be that as it may, the impugned Order has been passed only on the advise of the 2nd respondent. The 2nd respondent is neither the appointing authority nor disciplinary authority. Further, even in the impugned Proceedings, no reasons were furnished for terminating the services of the petitioner, though the letter dated 30-9-1996 states that the petitioner had misappropriated the funds of the society. The petitioner was not given notice of any kind nor any enquiry was conducted into the said allegations. An order of termination simpliciter was passed under the impugned Proceedings. I am of the opinion that the impugned Order is in gross violation of principles of natural justice and, therefore, the same is liable to be set aside on this ground alone. Thus, the impugned Order dated 29-5-1998 passed by the 3rd respondent is set aside and the respondents are directed to reinstate the petitioner into service forthwith with all consequential benefits.

Accordingly, the Writ Petition is allowed. No order as to costs.

19-7-2007

prk